

APPEAL NO. 040181  
FILED FEBRUARY 27, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on January 8, 2004. The hearing officer resolved the disputed issue by deciding that the appellant/cross-respondent (claimant) did sustain a compensable repetitive trauma injury, with a date of injury of \_\_\_\_\_; that the claimant did have disability beginning May 13, 2003, and continuing through the date of the CCH; and that the claimant's compensable injury extended to include an injury to the right and left upper extremities but does not include an injury to the cervical spine and/or right shoulder. The claimant appealed, disputing the determination that the compensable injury did not extend to include an injury to the cervical spine and/or right shoulder. The respondent/cross-appellant (self-insured) responded, urging affirmance of the disputed determination. The self-insured appealed, disputing the determinations that the claimant sustained a compensable repetitive trauma injury; that the claimant had disability; and that the compensable injury extended to include an injury to right and left upper extremities. The appeal file did not contain a cross-response from the claimant.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury, the extent of her injury, and that she has had disability. The claimant claimed that she sustained a repetitive trauma injury as a result of performing her work activities for the employer. Section 401.011(34) provides that an occupational disease includes a repetitive trauma injury, which is defined in Section 401.011(36). Conflicting evidence was presented at the CCH. The hearing officer found that the claimant's job duties as a billing/customer service representative did require repetitive, physically traumatic use of her right and left upper extremities but did not require repetitive, physically traumatic use of her cervical spine and/or right shoulder. Additionally, the hearing officer was persuaded that the claimant's inability to obtain and retain employment at wages equivalent to her preinjury wage beginning May 13, 2003, and continuing through the date of the CCH was a result of the injury she sustained on \_\_\_\_\_. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. We conclude that the hearing officer's determinations on the disputed issues are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W. 2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CT CORPORATION  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge